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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/223,993	12/31/1998	M. HASSAN PIRASTEH	1246-043	4239

7590

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EXAMINER

GAUTHIER, GERALD

ART UNIT

PAPER NUMBER

2645

DATE MAILED: 08/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/223,993

Applicant(s)

PIRASTEH ET AL.

Examiner

Gerald Gauthier

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claim(s) 1-5, and 10-12** are rejected under 35 U.S.C. 102(e) as being anticipated by Curry et al. (US 6,233,234 B1).

Regarding **claim(s) 1**, Curry discloses a system for call processing (FIG. 2 and column 1, lines 4-9), comprising:

a telephone call-receiving switch configured prior to answering a call to detect and pass out of band call destination information comprising Dialed Number Identification Service information associated with the call (FIG. 2 and column 13, lines 29-38) [The SSP 110 suspends the receiving call and sends a call data message via common channel interoffice signaling, thereby pass out of band call destination

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information comprising Dialed Number Identification Service information associated with the call];

an IVR adapted to perform an audio script, the IVR in electronic communication with the switch (FIG. 2 and column 10, lines 22-28) [The IP 118 provides enhanced announcement and is connected to the SSP 110];

a server computer in electronic communication with the telephone call receiving switch for receiving the out-of-band call destination information and in electronic communication with the IVR for forwarding the out-of-band call destination information to the IVR before the call arrives at a port of the IVR (FIG. 2 and column 10, lines 28-38, column 12, lines 31-47 and column 13, lines 38-45) [The ISCP 120 receives information from the SSP 110 regarding the call and it is also connected electronically to the IP 118, the ISCP 120 instructs the IP 118 to prepare to receive a call on a particular circuit and forwards additional information to the IP 118 via a generic data interface];

a network structure in electronic communication with the IVR and the server (FIG. 2 and column 10, lines 28-38) [The network 132 transports messages from the ISCP 120 to the IP 118]; and

a port sharing data interface processing program in operation with the IVR, the program adapted to enable the script to be performed on multiple ports of the IVR (FIG. 2 and column 10, line 66 to column 11, line 5) [the node manager program module will monitor and control the various IP 118 resources and operations, thereby the program adapted to enable the script to be performed on multiple ports of the IVR].

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Regarding **claim(s) 2**, Curry discloses the call processor dynamically allocates scripts to ports (column 12, lines 31-47).

Regarding **claim(s) 3**, Curry discloses the system manages port state before, during, and after a call (column 10, line 66 to column 11, line 5).

Regarding **claim(s) 4**, Curry discloses a single list of DNIS numbers resides at the IVR (column 19, lines 1-15).

Regarding **claim(s) 5**, Curry discloses all the limitations of **claim(s) 5** as stated in **claim(s) 1**'s rejection and furthermore Curry discloses a plurality of telephone call receiving switches (FIG. 1 and column 7, lines 54-65).

Regarding **claim(s) 10**, Curry discloses all the limitations of **claim(s) 10** as stated in **claim(s) 1**'s rejection above and furthermore Curry discloses a master control memory unit with a cache memory (FIG. 4 and column 10, lines 39-51) and a table containing a plurality of call destination records associated with a plurality of applications (FIG. 7 and column 19, lines 1-15).

Regarding **claim(s) 11**, Curry discloses a scripter configured to prepare a script responsive to the call origination information (column 12, lines 31-47).

Regarding **claim(s) 12**, Curry discloses wherein the telephone call receiving switch is further configured to detect and pass out of band call destination information by detecting comprising Dialed Number Identification Service and Automatic Number Identification associated with the call (column 13, lines 29-38).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

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consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. **Claim(s) 6-9** are rejected under 35 U.S.C. 103(a) as being unpatentable over Curry in view of Katz (US 5,553,120).

Regarding **claim(s) 6 and 7**, Curry discloses all the limitations of **claim(s) 6 and 7** as stated in **claim(s) 1'** s rejection but fails to disclose identifying an application associated with the call destination information, assigning the call to a selected one of the plurality of ports of the IVR and in response to receiving the call at the IVR, executing the identified application at the selected port.

However, Katz, in the same field of endeavor, teaches identifying an application associated with the call destination information (column 4, lines 26-45) [The called telephone number is used to select a specific operating format and game applications];

assigning the call to a selected one of the plurality of ports of the IVR (column 3, lines 15-24) [The CO couple the remote terminal unit through one of the several sets of lines of the audio response unit];

in response to receiving the call at the IVR, executing the identified application at the selected port (column 4, line 61 to column 5, line 8) [The telephone number designates a specific question bank associated with various game storing questions of different classification with respect to their difficulty].

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Curry using the audio response units as taught by Katz.

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The modification of the invention would offer the capability of a plurality of port assignments so that the system would provide a wide variety of operation formats to the user.

Regarding **claim(s) 8**, Curry in combination with Katz disclose all the limitations of **claim(s) 8** as stated in **claim(s) 6'** s rejection and furthermore Katz teaches storing the associations, and in response to receiving the call destination information, looking up the call destination in the stored association (column 4, lines 29-45) [The caller scores are accumulated over a period time in the cache memory with key data for easy access].

Regarding **claim(s) 9**, Curry discloses detecting dialed Number Identification Service and Automatic Number Identification associated with the call (column 13, lines 29-38);

passing the DNIS and ANI out of band to the IVR before the call arrives at a port of the IVR (column 12, lines 31-47); and

answering the call at the PBX (column 13, lines 38-48).

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Response to Arguments

8. Applicant's arguments with respect to **claim(s) 1-12** have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (571) 272-7539. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**GERALD GAUTHIER
PATENT EXAMINER**

g.g.
July 28, 2005


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